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Notice of Allowability	Application No.	Applicant(s)	
	10/518,148	SATO ET AL.	
	Examiner	Art Unit	
	Brian Kunzer	2814	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 17 December 2004.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>12/17/2004</u> 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>1005 1220</u> 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
|---|---|

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jonathan Osha, Reg. No. 33986, on December 21st, 2005.

IN THE DRAWINGS:

1. The following changes to the drawings have been approved by the examiner and agreed upon by applicant: In figures 9a, 9b, 10a and 10b the legend "Prior Art" should appear. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

REASONS FOR ALLOWANCE

2. The following is an examiner's statement of reasons for allowance: the prior art of record shows a gallium-nitride-based light-emitting apparatus comprising:

a substrate;

a first-conducting-type clad layer formed on the substrate;

an active layer formed on the first-conductive-type clad layer; and

a second-conducting-type clad layer formed on the active layer,

the active layer including barrier layers and well layers made of a gallium-nitride-based compound semiconductor, wherein

the barrier layers of the active layer include a first barrier layer formed toward the first-conducting-type clad layer and second barrier layers sandwiched by the well layers,

the light-emitting apparatus comprises a second-conducting-type carrier block layer between the active layer and the second-conducting-type clad layer.

Such configurations are detailed in Nakamura (U.S. Patent No. 5,959,307), Tsujimura (U.S. Patent No. 6,940,100), and Morita (U.S. Patent No. 6,738,175).

However, the prior art of record fails to show a gallium-nitride-based light-emitting apparatus also comprising:

the band gap E_{gb} of the second-conducting-type carrier block layer, the band gap E_{g2} of the second barrier layers, the band gap E_{g1} of the first barrier layer and the band gap E_{gc} of the clad layers satisfy the relationship $E_{gb} > E_{g2} > E_{g1} \geq E_{gc}$.

Prior art - in addition to the prior art patents stated above - that are related to, but do not satisfy the relationship $E_{gb} > E_{g2} > E_{g1} \geq E_{gc}$, are Li (U.S. Patent No. 6,472,683) and Takiguchi (U.S. Patent No. 5,544,188). As seen from fig. 7, 8, and 9 of Li, the relationship is $E_{704} > E_{703} = E_{701}$, $E_{806} = E_{802} > E_{804} = E_{801}$, and $E_{905} > E_{903} = E_{901}$. As seen from figures 4a and 4b of Takiguchi, the relationship is $E_{13c} > E_{13b} > E_{13a} < E_2$.

Conclusion

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

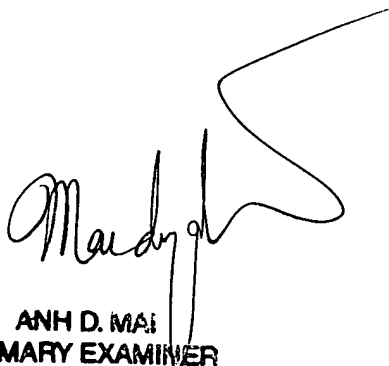
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Kunzer whose telephone number is (571) 272-5054. The examiner can normally be reached on Monday-Friday 8:00-4:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wael Fahmy can be reached on (571) 272-1705. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BK
12/20/2005



ANH D. MAI
PRIMARY EXAMINER